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9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

(Honorable Marilyn L. Huff)

12 UNITED STATES OF AMERICA,)	Criminal No. 07CR2973-H
)	
13 Plaintiff,)	
)	APPLICATION FOR ORDER
14 v.)	SHORTENING TIME AND
)	ORDER THEREON
15 JUAN CARLOS FAJARDO-HERNANDEZ,)	
)	
16 Defendant.)	
)	Motion Hearing Date: July 14, 2008
)	Motion Hearing Time: 2:00 p.m.
18 _____)	

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20 COMES NOW the Plaintiff, UNITED STATES OF AMERICA, by and through its counsel,
21 KAREN P. HEWITT, United States Attorney, and Paul L. Starita and Mark R. Rehe, Assistant United
22 States Attorneys, and hereby moves this Court for an order shortening time in which the Government
23 may file its Opposition to Defendant's Motion to Dismiss Indictment.

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1 The reason for this application is: given AUSA Starita's heavy caseload, the undersigned
2 (AUSA Rehe of the Appellate Section) agreed to assist him by preparing the United States' opposition
3 to Defendant's Motion to Dismiss Indictment. Unfortunately, I overextended myself, and my ability
4 to timely file the instant opposition was complicated by two Ninth Circuit filings that I was responsible
5 for in the last three weeks: (1) the filing of a 15-page opposition on June 20, 2008, to a petition for
6 rehearing en banc in United States v. Aguila-Montes de Oca, C.A. 05-50170; and (2) the filing of a 47-
7 page response brief on July 7, 2008 (the same day the instant opposition was due) in United States v.
8 Liera, C.A.07-50546.

9 DATED: July 8, 2008

Respectfully submitted,

10 KAREN P. HEWITT
11 United States Attorney

12 /s/ MARK R. REHE

13 MARK R. REHE
14 Assistant U.S. Attorney

15 PAUL L. STARITA
16 Assistant U.S. Attorney

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (Honorable Marilyn L. Huff)

11 UNITED STATES OF AMERICA,) Criminal No. 07CR2973-H
12)
13 Plaintiff,)
14)
15 v.)
16 JUAN CARLOS FAJARDO-HERNANDEZ,)
17)
18 Defendant.)
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ORDER

18 IT IS HEREBY ORDERED that the time for the Government to file its Opposition to
19 Defendant's Motion to Dismiss Indictment in this case be shortened, to permit filing on July 8, 2008,
20 with hearing to be held on July 14, 2008, at 2:00 p.m.

21 SO ORDERED.

22 DATED: July 9, 2008.

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HONORABLE MARILYN L. HUFF
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 07-CR-2973-H

Plaintiff,

v.

PROOF OF SERVICE

JUAN CARLOS FAJARDO-HERNANDEZ

Defendant.

IT IS HEREBY CERTIFIED that:

I am a citizen of the United States, over the age of 18 years, and a resident of San Diego County, California; my business address is Office of the United States Attorney, 880 Front Street, Room 6293, San Diego, California, 92101-8893; and I am not a party to the above-entitled action.

On this date, I served the following document(s) described as:

APPLICATION FOR ORDER SHORTENING TIME AND
[PROPOSED] ORDER THEREON

X E-mail / ECF by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies the recipient via e-mail, as indicated below:

John R Fielding, Jr
Law Offices of John R Fielding
402 West Broadway, Suite 1700
San Diego, CA 92101
jfieldingattyatlaw@yahoo.com

United States Mail to non-ECF participants by causing a true copy thereof to be placed in a sealed envelope, with postage thereon fully prepaid, to be placed in the United States Mail at San Diego, California, addressed as indicated below. I am "readily familiar" with this office's practice of collection and processing of correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business:
(N/A)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed July 8, 2008, at San Diego, California.

/s/ MARK R. REHE
MARK R. REHE